

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

T.A. No. 148 of 2018

DATE OF DECISION :- December 18, 2018

Dimple

...Applicant

Versus

Harish Chander

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Bikramjit Arora, Advocate for the applicant.

Ms. Mandeep K. Dhot, Advocate
for Mr. Vikram Bali, Advocate for the respondent.

By way of filing the present application, applicant Dimple, aged about 37 years, wife of Harish Chander-respondent in the application, presently residing with her parents at Tarn Taran on account of matrimonial discord between the spouses is seeking transfer of divorce petition filed by her husband Harish Chander against her having title 'Harish Chander Vs. Dimple' pending in the Court of Ms. Sanjeeta, Additional District Judge Ludhiana to the Court of competent jurisdiction at Tarn Taran.

According to her, after getting married with the respondent on 13.3.2016, she went to reside with the respondent in the matrimonial home. However, differences arose between them on account of demand of dowry raised by respondent and his family members and their cruel behaviour with

her, as such she was turned out of the matrimonial home on 5.5.2016. She has no other place to go except her parental place, where she is residing. Her husband has filed a divorce petition against her. She being a young woman having no source of income, it is difficult for her to go from Tarn Taran to Ludhiana covering a distance of 55 kms on one side as no direct bus service is available to attend the dates of hearing in the Court at Ludhiana; that petition under Section 125 Cr.P.C. filed by applicant against the respondent is pending in the Court at Tarn Taran, as such the application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel and filed written reply opposing the application vehemently.

I have heard learned counsel for the parties besides going through the record.

The main ground of opposition is that respondent apprehends physical harm at the hands of family of the applicant if he goes to Tarn Taran to attend the dates of hearing there. Learned counsel for the respondent has offered to pay the travelling expenses of applicant, if the petition is not transferred. However, after hearing the counsel and going through the record, I find that ends of justice demand that application should be accepted. Since payment of travelling expenses by respondent to the applicant shall not avoid the complete hardship to her. As regards the apprehension expressed by learned counsel for the respondent that can be taken care of by issuing necessary directions to Senior Superintendent of Police, Tarn Taran.

The Senior Superintendent of Police, Tarn Taran is directed to ensure that no physical harm is caused to the respondent or any of his family members or persons accompanying him when he/they go to Tarn Taran to attend the dates of hearing.

Accordingly, the application is allowed. The petition in question is ordered to be withdrawn from the Court of Ms. Sanjeeta, Additional District Judge Ludhiana and transferred to the Court of District Judge, Tarn Taran for disposal in accordance with law. Learned District Judge, Tarn Taran may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 23.1.2019. Copies of orders be sent to the Court of Ms. Sanjeeta, Additional District Judge Ludhiana as well as to the Court of District Judge, Tarn Taran for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 18, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No